

Proxmire Amendments to National Security Act of 1947

I. Background

A. Senate

With Senator Stennis' agreement, the Senate on 3 June 1974 amended the CIA section of the National Security Act of 1947 by adopting the Proxmire amendment to the Defense Procurement Authorization bill for FY 1975 (S. 3000 and H.R. 14592). The bill as amended passed the Senate on 11 June 1974 and was sent to conference on 12 June 1974.

B. Conference

The House conferees refused to accept the Proxmire amendment on the basis of germaneness and as a matter of principle of not weighing down the authorization bill with extraneous material.

C. Future Action

If the House conferees are upheld it is possible:

1. That Senator Proxmire will move similar amendments to the CIA section of the 1947 National Security Act to other measures on the Senate floor (such as the Defense Appropriations bill) or,

2. That Proxmire will push for hearings by the Senate Armed Services Committee on such legislation. (In October of 1973 Senator Stennis introduced S. 2597 which was similar to but not quite exactly identical with the Proxmire amendment.)

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hearings have been scheduled so far.)

3. Representative Lucien Nedzi, Chairman, Special Subcommittee on Intelligence, House Armed Services Committee, will commence hearings on his version of the Stennis bill H.R. 15845.

II. Recommended Position (keyed to Proxmire amendments as modified in agreement with Stennis--excerpt from section 703 of H.R. 14592 attached)

A. Section 703(1)-(4)

These amendments deal with inserting the word "foreign" before the word "intelligence" throughout the CIA section (102) of the Act and was suggested by Colby in his confirmation hearings in July 1973, was part of the Stennis bill, S. 2597, introduced in October 1973, and is perfectly acceptable as simply amply emphasizing that CIA is concerned only with foreign intelligence.

B. Section 703(5)

This amendment provides for reporting on foreign intelligence activities to the Congress. A similar amendment was included in S. 2597 and there is no objection to the establishment of statutory procedures following actual practices in this regard.

C. Section 703(6)

1. Page 29, line 16 through page 30, line 7

This amendment is generally intended to provide that CIA should not carry out on its own or assist other agencies of the government in carrying out law enforcement or police type operations. The CIA is already prohibited from engaging in law enforcement, police, or internal security activities and there is no objection in further clarifying the intent of Congress in this regard. However, the original Proxmire amendment as modified in agreement with Stennis does not include one important proviso which was carried in the Stennis bill, S. 2597, to make sure that the restrictions would not impinge upon existing intelligence activities. The proviso which should be added as proviso (D) on page 30, line 7 is:

"(D) carrying on within the U.S. activities to support its foreign intelligence responsibilities."

Absence the addition of this proviso it should be understood, perhaps in a colloquy developed on the floor, that certain foreign intelligence operations and activities necessary to support foreign intelligence operations can

be legitimately conducted under section 102(d)(5) as amended (see page 29, line 6). These would include such current activities described in Colby's confirmation hearings as:

- (a) interviewing American citizens who are willing voluntarily and without pay to share foreign intelligence information in their possession with their Government;
- (b) collecting foreign intelligence from foreigners;
- (c) establishing support structures necessary to foreign intelligence operations abroad; and
- (d) providing technical assistance to the Federal Bureau of Investigation for its counterintelligence operations against foreigners.

If this were not the intention of the Congress, the United States would be unable to acquire significant foreign intelligence important to the national security.

2. Page 30, lines 8 and 9

This amendment would prohibit the Agency from participating in any illegal activities within the United States. It is redundant and hardly appropriate since all officials are under oath to uphold the law. The amendment should be struck as "obscene."

93^D CONGRESS
2^D SESSION

H. R. 14592

IN THE SENATE OF THE UNITED STATES

JUNE 11, 1974

Ordered to be printed with the amendment of the Senate

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To authorize appropriations during the fiscal year 1975 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 ~~TITLE I—PROCUREMENT~~

4 ~~SEC. 101. Funds are hereby authorized to be appropriated~~
5 ~~during the fiscal year 1975 for the use of the Armed Forces~~

1 “(2) After the date of enactment of this paragraph,
2 any naval vessel not subject to the provisions of paragraph
3 (1) may be sold, leased, granted, loaned, bartered, trans-
4 ferred, or otherwise disposed of in accordance with appli-
5 cable provisions of law only after the Secretary of the Navy,
6 or his designee, has notified the Committees on Armed Serv-
7 ices of the Senate and the House of Representatives in writ-
8 ing of the proposed disposition and 30 days of continuous
9 session of Congress have expired following the date on which
10 notice was transmitted to such committees. For purposes of
11 this paragraph, the continuity of a session of Congress is
12 broken only by an adjournment of the Congress sine die,
13 and the days on which either House is not in session because
14 of an adjournment of more than 3 days to a day certain
15 are excluded in the computation of such 30-day period.”

16 SEC. 703. Section 102 of the National Security Act of
17 1947, as amended (50 U.S.C. 403), is amended as follows:

18 (1) Subsection (d) is amended by inserting “foreign”
19 immediately before “intelligence” the first time the latter
20 term appears in such subsection.

21 (2) Clauses (1) and (2) of subsection (d) are
22 amended by inserting “foreign” immediately before “intel-
23 ligence” each time the latter term appears in such clauses.

24 (3) Clause (3) of subsection (d) is amended by in-
25 serting “foreign” immediately before “intelligence” the first
26 time the latter term appears in such clause.

1 (4) Clause (4) of subsection (d) is amended by insert-
2 ing "relating to foreign intelligence activities" immediately
3 after "of common concern".

4 (5) Clause (5) of subsection (d) is amended to read
5 as follows:

6 " (5) to perform such other functions and duties
7 related to foreign intelligence affecting the national se-
8 curity as may be specifically directed from time to time
9 by the Council and reported to the Congress in such
10 manner and in accordance with such procedures as the
11 Congress may establish to insure effective legislative
12 oversight with due recognition of essential security
13 requirements."

14 (6) Add at the end of such section a new subsection as
15 follows:

16 "(g) Nothing in this or any other Act shall be construed
17 as authorizing the Central Intelligence Agency to—

18 "(1) carry out, directly or indirectly, within the
19 United States, either on its own or in cooperation or
20 conjunction with any other department, agency, organi-
21 zation, or individual any police or police-type operation
22 or activity, any law enforcement operation or activity, or
23 any internal security operation or activity: Provided,
24 however, That nothing in this Act shall be construed to
25 prohibit the Central Intelligence Agency from (A) pro-

1 *protecting its installations, (B) conducting personnel in-*
2 *vestigations of Agency employees and applicants or*
3 *employees of contractors and others requiring access to*
4 *sensitive Agency information in carrying out Agency*
5 *responsibilities, or (C) providing information result-*
6 *ing from foreign intelligence activities to other appro-*
7 *priate departments and agencies; or*

8 *"(2) participate, directly or indirectly, in any il-*
9 *legal activity within the United States."*

10 *SEC. 704. Notwithstanding any other provision of law,*
11 *no enlisted member of the Armed Forces of the United States*
12 *may be assigned to duty or otherwise detailed to duty as*
13 *an enlisted aide, public quarters steward, airman aide, cook*
14 *specialist, or food service technician on the personal staff*
15 *of any officer of the Army, Navy, Marine Corps, Air Force,*
16 *or Coast Guard (when operating as a service of the Navy)*
17 *except for two hundred and eighteen such enlisted men as-*
18 *signed on a temporary basis by the Secretary of Defense to*
19 *meet official responsibilities.*

20 *SEC. 705. Notwithstanding any other provision of law,*
21 *no funds appropriated pursuant to this Act may be used*
22 *for the purpose of carrying out research, testing, and/or*
23 *evaluation of poisonous gases, radioactive materials, poison-*
24 *ous chemicals, biological, or chemical warfare agents upon*

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